

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASPEN TECHNOLOGY, INC.,

Plaintiff,

v.

F/V SOFTWARE, L.L.C.,

Defendant.

Civil Action

No. 04-11830 PBS

And

F/V SOFTWARE, L.L.C.,

Plaintiff,

Civil Action

No. 05-11286 PBS

ASPEN TECHNOLOGY, INC.,

Defendant.

LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), the undersigned counsel and duly authorized representative of Aspen Technology, Inc. have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the litigation, and

- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: January 25, 2006
Boston, Massachusetts


/s/ Frederic G. Hammond

Frederic G. Hammond
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Respectfully submitted,

/s/ Justin J. Daniels

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